

00865.004477



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
MAKOTO MISAKA) : Examiner: Unassigned
Appln. No.: 09/576,297) : Group Art Unit: Unassigned
Filed: May 23, 2000) :
For: ZOOM LENS, AND IMAGE) February 1, 2002
PICKUP APPARATUS AND :
IMAGE PROJECTION)
APPARATUS USING THE SAME :
:

Commissioner for Patents
Washington, DC 20231

**Attention: Ms. Doshie Day, Program Management Analyst, IOPE
Crystal Plaza 2, 5th floor, Room B26**

DECLARATION OF GARY JACOBS UNDER 1156 O.G. 53

Sir:

I, Gary M. Jacobs, declare and say that:

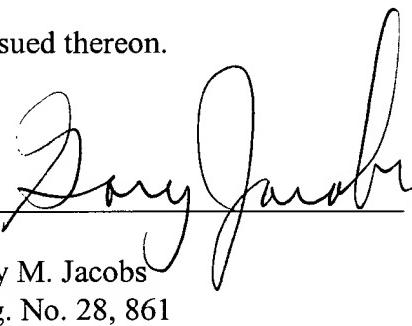
1. I am an attorney in the Washington Office of the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112-3801, and am an attorney of record in the above-identified application. Also, I am the practitioner who is primarily responsible for prosecution of the subject patent application.

2. In the third week of January 2002 , I received a telephone call from Ms. Doshie Day, Program Management Assistant in OIPE, inquiring whether Applicant intended to abandon the above-identified application, since a response to the August 4, 2000 Notice to File Missing Parts of Nonprovisional Application was never received, and informing Applicant that a Notice of Abandonment would be issued shortly. I informed Ms. Day that our firm never received the August 4, 2000 Notice to File Missing Parts and that Applicant never intended to abandon this application. Ms. Day suggested that the undersigned file a Request to withdraw the abandonment of this case, and submit a docket sheet establishing the non-receipt of the Notice.

3. The August 4, 2000 Notice to File Missing Parts sent by the United States Patent and Trademark Office to my law firm was not received by me or the firm. To attest to this fact, I have personally searched the file and our file jacket of the subject application and have found no such Notice to File Missing Parts and have found no record of receipt of any such Notice to File Missing Parts. In addition, attached herewith is a printout of the master docket records for Fitzpatrick, Cella, Harper & Scinto indicating that the August 4, 2000 Notice to File Missing Parts was not received. The docket record is the record where the non-received Notice to File Missing Parts would have been entered had it been received and docketed, i.e., the records reflecting October 4, 2000 - the due date of two months from the mailing date indicated on the Notice. Note that the first three digits of the application numbers and other information from this master docket have been deleted for purposes of confidentiality. Nevertheless, it can be ascertained that the subject application (attorney case number 865.4477 and application no. 09/576,297 to Misaka) has no entry for October 4, 2000.

4. Accordingly, after a personal search of the file and docket records, I conclude that the August 4, 2000 Notice to File Missing Parts sent by the United States Patent and Trademark Office was never received by our firm.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title XVIII of United States Code, and that such willful false statements made jeopardize the validity of this application or any patent issued thereon.



Date: 2/1/02

Gary M. Jacobs
Reg. No. 28, 861